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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANY SYLVAIN

Appeal 2007-3924
Application 10/693,539
Technology Center 2600

Decided: April 17, 2008

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO, and MARC S. HOFF, *Administrative Patent Judges.*

HAIRSTON, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 1 to 40. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the obviousness rejections.

Appellant has invented a system and method of handling calls when a

mobile terminal is in communication with a wireline network and a wireless network (Figure 1). The calls through both the wireline network and the wireless network are established via a terminal adapter (Figure 3; Specification 2). The mobile terminal is provided with a primary directory number associated with the wireline network, and the primary directory number is used to communicate with the wireline network and the wireless network (Specification 2 and 4). When the mobile terminal moves out of a communication zone in which a first call was established using the primary directory number, a temporary directory number for the mobile terminal is provided by the wireless network for calls between the wireline network and the wireless network (Specification 2 and 4).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A system comprising:

a) a wireline network interface;

b) a local wireless interface providing a communication zone in which communications with a mobile terminal are possible, the mobile terminal associated with a primary directory number and adapted to communicate with the local wireless interface to facilitate a call through a wireline network and communicate with a wireless network to facilitate a call through the wireless network; and

c) a control system cooperating with the wireline network interface and the local wireless interface and adapted to:

i) establish through the wireline network a first call involving the mobile terminal by communicating with the wireline network via the wireline network interface and communicating with the mobile terminal via the local wireless interface;

ii) during the first call, detect the mobile terminal moving out of the communication zone; and

iii) initiate a transition of the first call being connected to the mobile terminal through the wireline network via the local wireless interface to the first call being connected to the mobile terminal through the wireless network using a temporary directory number.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Schellinger	US 5,260,988	Nov. 9, 1993
Bartle	US 5,722,068	Feb. 24, 1998
Abidi	US 6,154,650	Nov. 28, 2000
Thyssen	US 2002/0106028 A1	Aug. 8, 2002
Bell	US 6,445,921 B1	Sep. 3, 2002
Charney	US 2004/0132485 A1	Jul. 8, 2004 (filed Jan. 8, 2003)

The Examiner rejected claims 1 to 5, 8 to 17, 21 to 35, and 40 under 35 U.S.C. § 103(a) based upon the teachings of Abidi and Schellinger.

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) based upon the teachings of Abidi, Schellinger, and Thyssen.

The Examiner rejected claims 7, 20, and 38 under 35 U.S.C. § 103(a) based upon the teachings of Abidi, Schellinger, and Bell.

The Examiner rejected claims 18, 19, 36, and 37 under 35 U.S.C. § 103(a) based upon the teachings of Abidi, Schellinger, and Charney.

The Examiner rejected claim 39 under 35 U.S.C. § 103(a) based upon the teachings of Abidi, Schellinger, and Bartle.

ISSUE

Appellant contends *inter alia* that the applied references, whether considered individually or in combination, fail to teach or suggest the use of a temporary directory number (Br. 9 to 13). Thus, the issue before us is whether or not the applied references teach or would have suggested to one of ordinary skill in the art the use of a temporary directory number?

FINDINGS OF FACT

1. As indicated *supra*, Appellant discloses and claims the use of a primary directory number associated with the mobile terminal for calls established through the wireline network, and a temporary directory number associated with the mobile terminal for calls established through the wireless network.

2. Abidi describes a system in which a mobile terminal 60 is in communication with a wireline cordless base station 54 in a wireline network 12, and is in communication with a wireless network 10 (Fig. 1). When the mobile terminal moves within radio range of the wireline cordless base station 54, a call having the primary directory number of the mobile station 60 is routed to the directory number of wireline cordless base station 54 (Fig. 2). The directory number of the wireline cordless base station 54 then becomes the temporary directory number for the mobile station 60. If

the mobile terminal 60 moves out of range of the wireline cordless base station 54, the temporary directory number assignment to the mobile terminal 60 is canceled, and the mobile terminal 60 is thereafter assigned its own primary directory number (Fig. 3). In other words, Abidi teaches that a primary directory number and a temporary directory number are assigned to the mobile terminal 60 based upon the location of the mobile terminal with respect to the two different networks 10 and 12 (col. 1, l. 62 to col. 2, l. 11; col. 3, l. 47 to col. 4, l. 39; col. 5, l. 36 to col. 6, l. 10).

3. The Examiner cited Schellinger for its teaching of the use of a primary directory number and a temporary directory number based upon the location of a mobile station (Ans. 5).

4. The reference to Thyssen was cited by the Examiner for a teaching that "wireline networks may include voice over IP networks (Par.20)" (Ans. 10).

5. The Examiner cited Bell for a teaching of "a mobile station operable in a cellular network and a cordless base station region and the wireless network being of CDMA type (Col.2;34-44)" (Ans. 10).

6. The reference to Charney was cited by the Examiner for a teaching that "a local wireless interface is adapted to support communications with the mobile terminal using wireless local area network telephone technology (Par.28)" (Ans. 12).

7. The Examiner cited Bartle for a teaching of "inserting a signal into a voice path for the first call prior to initiating the transition to warn parties to the first call of a transfer (Abstract;3-9, and Abstract;14-15, and

Abstract:25-31)" (Ans. 13).

PRINCIPLES OF LAW

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on less than the total amount of evidence relied on by the Examiner without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2 (CCPA 1966).

During ex parte prosecution, claims must be interpreted as broadly as their terms reasonably allow since Applicants have the power during the administrative process to amend the claims to avoid the prior art. *In re Zletz*, 893 F.2d 319, 322 (Fed. Cir. 1989).

ANALYSIS

When the claim limitations are given their broadest reasonable interpretation, we find that Abidi teaches or would have suggested to the skilled artisan all of the system structure set forth in claim 1, including the use of a temporary directory number. As indicated *supra*, the temporary directory number teachings of Schellinger are merely cumulative to teachings already present in Abidi. Accordingly, Appellant's arguments are not convincing of the nonobviousness of the claimed subject matter set forth in claim 1 on appeal, and the claims grouped therewith (i.e, claims 2 to 5, 8 to 17, 21 to 35, and 40) (Br. 9 to 13).

With respect to claim 6, we agree with the Examiner's reasoning that

"it would have been obvious to one of ordinary skill in the art to modify Abidi and Schellinger, such that the wireline network interface is a voice over packet interface, to provide a method of transmitting data over the internet and bypass the charges associated with a typical phone call" (Ans. 10). The Examiner did not have to resort to impermissible hindsight to demonstrate the obviousness of using VOIP technology described by Thyssen in conjunction with the wireline network described by Abidi (Br. 15).

Turning to claim 7, Bell clearly indicates that the wireless network may be CDMA which is "one of the group" set forth in this claim. Appellant's arguments do not convince us of any error in the Examiner's rationale for combining the teachings of Bell with those of Abidi and Schellinger (Br. 15 and 16). Appellant has not presented any patentability arguments for claims 20 and 38 apart from the arguments presented for claim 7.

Turning next to claims 18, 19, 36, and 37, we agree with the Examiner that it would have been manifestly obvious to the skilled artisan to use wireless LAN technology in Abidi based upon the teachings of Charney. Appellant's argument fail to convince us of any error in the Examiner's position (Br. 17 and 18).

Turning lastly to claim 39, we agree with the Examiner that it would have been obvious to the skilled artisan to provide a warning signal as described by Bartle in the voice path described by Abidi for "notifying the user of an imminent communication mode change in a dual mode cellular

telephone" (Ans. 13). Appellant has not presented any patentability arguments for this claim apart from the arguments presented for claim 22 (Br. 18).

CONCLUSION OF LAW

As indicated *supra*, the obviousness of the claimed subject matter set forth in claims 1 to 40 is demonstrated by the teachings of the applied references.

ORDER

The obviousness rejections of claims 1 to 40 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

tdl/gw

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